

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

MINUTES

January 21, 2010

The South Carolina Commission on Disabilities and Special Needs met on Thursday, January 21, 2010, at 10:30 AM at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

COMMISSION

Present:

Kelly Hanson Floyd, Chairman
Rick Huntress, Vice Chairman
Otis Speight, Secretary
Bobby Harrell
Deborah McPherson
Nancy Banov
Susan Lait

DDSN Administrative Staff

Dr. Buscemi, State Director; Tom Waring, Acting Deputy State Director, David Goodell, Associate State Director, Operations; Dr. Lacy, Associate State Director, Policy; Tana Vanderbilt, General Counsel (For other Administrative Staff see Attachment 1 – Sign In Sheet).

Guests

(See Attachment 1 Sign-In Sheet)

Coastal Regional Center (via teleconference)

(See Attachment 2 Coastal Sign-In Sheet)

Pee Dee Regional Center (via teleconference)

(See Attachment 3 Pee Dee Regional Sign-In Sheet)

Whitten Center (via teleconference)

(See Attachment 4 Whitten Center Sign-In Sheet)

York County DSN Board (via teleconference)

(See Attachment 5 York County Sign-In Sheet)

News Release of Meeting

Mrs. Kelly Floyd, Chairman, called the meeting to order. Dr. Otis Speight read a statement of announcement about the meeting that had been mailed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

Invocation

Mr. Bobby Harrell gave the invocation.

Public Input

Ms. Susan John, Executive Director of the Horry County DSN Board; Mr. Terry D. Elledge, Father of Katie Elledge; Ms. Lisa Moon spoke at the commission meeting.

Report from DSN Boards

Mr. Ralph Courtney spoke on behalf of the SC Human Service Providers Association.

Adoption of the Agenda

Mrs. Floyd made a request to amend the agenda by adding the Silver Palmetto as the first agenda item under New Business and moving the approval of the December 17, 2009 minutes after 8A under Old Business. On motion of Mrs. Floyd and seconded, the Commission adopted the agenda with the amendments for the meeting. Mrs. Susan Lait made a motion to add the status of independent providers as the last agenda item under New Business. The motion was seconded with the Commission adopting the agenda with the amendment. (Attachment A)

Old Business – Clarification of November 19, 2009 Minutes

Mrs. Floyd asked Mrs. Tana Vanderbilt to verify the procedure of correcting minutes. Mrs. Vanderbilt explained that *Robert's Rules of Order* stated the procedures to go back and correct the approved minutes from a

previous meeting are not to amend the minutes but to correct them. Mrs. Floyd read the statement submitted by Mrs. McPherson regarding her request in the December 17, 2009 meeting to amend the November 19, 2009 minutes. The statement requested a correction to the minutes and wanted to add a comment. Discussion followed. Mrs. Susan Lait requested it be noted she did not vote on the November 19, 2009 minutes. On motion of Dr. Speight, seconded and passed, the Commission approved the November 19, 2009 minutes with the correction but without the added comment.

Old Business - Approval of the Minutes of the December 17, 2009 Meeting

Mrs. Nancy Banov requested a correction in the minutes. Discussion followed. On motion of Mrs. Banov and seconded, the Commission approved the December 17, 2009 minutes with the correction.

Old Business – Recording of Minutes

Mrs. Floyd stated that the minutes need to be recorded in compliance with *Robert's Rule of Order*. Only business transactions should be recorded such as motions and actions. Mrs. Lait made a motion to begin audio-recording minutes of the meetings for clarification. Mrs. Floyd reminded the Commission Members the audio-recording of the minutes was taken up in an earlier Policy and Services Committee. Discussion followed. Mrs. Lait withdrew her earlier motion. On motion of Mrs. Lait and seconded, the Commission approved that the agenda item recording of the minutes be submitted to the Policy and Services Committee for their review.

Old Business – Status of DDSN LAC Audit

Dr. Kathi Lacy gave an update on the DDSN LAC Audit discussing in detail each partially completed item.

Old Business – Status of DDSN Federal Audit

Mr. Tom Waring gave an update on the Office of Inspector General (OIG) Audit and their review of the 2008 cost reports. The OIG has finished their review of Newberry DSN Board and is deciding what their next action will be. The OIG will move forth with their scope of audit which will last another two to three months.

Old Business – Status of Kerr and Company Contract

Dr. Beverly Buscemi reported that DDSN should have recommendations from Kerr and Company regarding DDSN's current funding system by early February. These recommendations will then be presented to the Commission.

Dr. Buscemi added that a representative from each advocate group has been asked to be part of an advisory group for input and information sharing. The group met in January and a meeting is scheduled for February. Dr. Buscemi stated she is not sure how this group will relate to the Governor's Advisory Board that is being formed.

Old Business – Implementation Plan for EI Reductions

Dr. Buscemi reported on the features of the revised reduction plan for early intervention services impacting children in the "at risk" category. The revised plan will save approximately the same amount as the original plan. This reduction is still difficult; however, this plan is a kinder, gentler way to reduce. Some children currently in the "at risk" category will become DDSN eligible under the new expanded criteria. The start date for these changes is April 1, 2010. Discussion followed.

New Business – Status of appeals process with waiver changes having gone into effect January 1, 2010

Dr. Lacy presented the amended DDSN Directive 100-30-DD titled *Eligibility Diagnostic Criteria, Screening and Intake Processes for Eligibility, and Appeal Procedures* for the Commission to approve to post on the website for public input. Discussion followed. Mr. Harrell made the motion to place the directive on the website. The motion was seconded. Dr. Lacy further explained the changes in the directive and discussion followed. On motion of Mrs. Lait and seconded, the Commission approved that the directive be posted on the website for public input. Mrs. McPherson suggested that a process be developed to make people aware of directive and policy changes on the website. Dr. Buscemi stated this can be done. (Attachment B)

Dr. Lacy explained the appeals process. DDSN is paying for services if the individual appealed within ten days. If it is a minor being served, the parent may be financially responsible for the cost of services above the cap if the appeal is denied. DHHS is undecided who will be responsible for costs above caps for adults. Dr. Lacy will follow-up to see if the MR/RD Waiver has been posted on the DHHS website.

New Business: New Communication Liaison Position

Dr. Buscemi introduced Nancy Hall as DDSN's new Communication Liaison. Mrs. Hall's skill-set and personality will offer a formal form of communication to handle and address questions. Mrs. Hall position was a lateral move from the Midlands Center and cost-neutral to the agency. Her duties at Midlands Center were realigned with existing resources.

New Business – Silver Palmetto

Mr. David Goodell presented a recommendation for the nomination for the Silver Palmetto Award which is given annually to a municipality in South Carolina that has best demonstrated exemplary support of citizens with disabilities and special needs during the previous year. The Batesburg/Leesville Community was recommended to receive the 2009 Silver Palmetto Award for their extra commitment over the years to the people served by the Babcock Center. Mr. Goodell requested Commission approval for the Silver Palmetto to be awarded to the Batesburg-Leesville community. On motion of Mrs. Banov and seconded, the Commission approved the Silver Palmetto be awarded to the Batesburg-Leesville community. Mrs. Floyd will present the award at the Municipal Association of South Carolina's winter meeting Wednesday, February 17, 2010 in Columbia.

New Business – Status of Independent Providers

At Mrs. Lait's request, Dr. Lacy will provide a report outlining DSN Boards and private qualified providers.

State Director's Report

Dr. Buscemi gave an update on the Medical Affairs Committee. At this time the Committee is not recommending DDSN be placed under the Governor's cabinet. The Committee received an overwhelming response from family members.

Dr. Buscemi stated it would be a few more months before the Associate State Director position is filled because of budget concerns.

Dr. Buscemi reported starting February 1, 2010 the Central Office front desk would not be staffed. The logistics are being worked out. The Administrative Executive Staff are taking over the phone duties.

Due to questions regarding the budget chart numbers that were presented at the December Commission Meeting, Dr. Buscemi turned the meeting over to Mr. Tom Waring. Mr. Waring explained in more detail the chart numbers and how the budget cuts taken related to the twenty positions at Central Office/District Office. Discussion followed. Dr. Speight requested that the information showing how the administrative staffing is being affected by the budget cuts be posted on the website. Mr. Waring stated the information would be posted on the website.

Dr. Buscemi gave a report on the budget presentation to the House Ways and Means Subcommittee. The required 15 % Budget Reduction Plan was provided to the Subcommittee. Reductions have been divided into the following

categories in the order: of administration, capacity, service amount, and elimination of services. We need to plan for more cuts. The budget reduction information will be provided to the Commission when DDSN receives an informed decision from the Subcommittee.

Next Regular Meeting Date/Location

The Work Session will be held Wednesday, February 24 and Thursday, February 25, 2010 and the Commission Meeting will be held Friday, February 26, 2009 in Columbia.

Executive Session

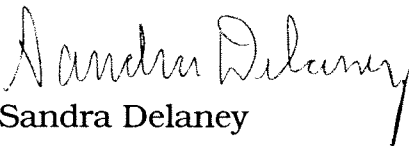
On motion of Mrs. Banov and seconded, the Commission voted to enter Executive Session to discuss a legal matter.

On motion of Mr. Harrell and seconded, the Commission voted to exit the Executive Session and re-enter the public session. It was noted that no action was taken.

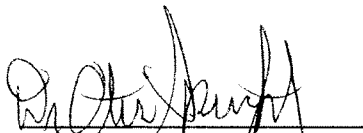
On motion of Dr. Speight and seconded, the Commission voted to enter Executive Session to discuss a personnel matter.

On motion of Dr. Speight and seconded, the Commission voted to exit the Executive Session and adjourn. It was noted that no action was taken.

Submitted by,


Sandra Delaney

Approved:


Dr. Otis Speight
Secretary

SC COMMISSION ON DISABILITIES AND
Commission Meeting

Attachment 1

January 21, 2010

Guest Registration Sheet

(PLEASE PRINT)

Name and Organization

1. DR. CHARLES L. MCCLAFFERTY VOICES FOR THE VOICELESS
2. Susan John - Ex. Director - Home County
3. TERRY D. ELLEDGE CONCERNED PARENT
4. Bronson Edge Concerned Parent
5. Sarah St. Onge P+A
6. MARIAN Dunlap PADD
7. JAY ALTMAN Chester-Lancaster
8. Ritchie Moss Colhoun
9. Betty-Routh Steele Saleeby PC
10. John N. IS. DDSN
11. KEVIN VACCHI DDSN
12. Jennifer Buster DDSN
13. Linda Veldheer DDSN
14. J. John DDSN
15. Linda Bodiford Coastal Center
16. Mary Stanton Coastal Center/PADD
17. Suzanne Johnson Suzanne Johnson (Coastal Center)
18. Samie Sampson Parent
19. RICHARD FERRANTE UCCDD
20. Thogel Warren KCBDSN

SC COMMISSION ON DISABILITIES AND SPECIAL NEEDS

Commission Meeting

January 21, 2010

Guest Registration Sheet

(PLEASE PRINT)

Name and Organization

- | | | |
|-----|-------------------------|--------------------|
| 21. | Daniel Davis | Anton Dixon |
| 22. | Richard Osborne | Case Focus |
| 23. | Mary Leitner | RLDSNB |
| 24. | Janet Priest | DDSN |
| 25. | Ann Dutton | DDSN |
| 27. | Deirdre Sayers | DDSN |
| 28. | Lisa Weeks | DDSN |
| 29. | Rich Wink | DDSN |
| 30. | Bronnie + Stewart Mauer | Babcock |
| 31. | Leanne Hopkins | U For U |
| 32. | Faye S. Yarbrough | PDC Parent Council |
| 33. | Cornie L. Handy | " & PARD |
| 34. | Pat Douglas | " |
| 35. | Shondaka Hall | DDSN |
| 36. | Topa Davis | BIASC |
| 37. | Reanne Johnston | SCHSP |
| 38. | Mike Keith | MARION-DILLON DSN |
| 39. | Col BR | Vorum |
| 40. | Sarah Paxon | Citeline |

Commission Meeting

Guest Registration Sheet

Name and Organization

1. Kathleen Roberts Whitten Center Parents' Club & SC PADD
2. Marlene D Woods - Whitten Center Parents' Club
3. Crystal Ray - Family Connection of SC
4. Diane Eppery S.C. Spinal Cord Injury Assoc -
5. Kates Britton DDSN
6. Beth Bunge Bright Start
7. ~~George~~ Mary DHHS
8. Linda Lee Whitten Center Parents Club & SC PADD
9. Carolyn Myers PARENT
10. Marathy Borden Community Center
11. LORRIE KING OFFICE OF THE GOVERNOR
12. Ralph Conner Aiken Co. Bd. of Disabilities
13. Christina Stewart parent
14. Thomas Parker VOICES.
15. Beverly Branson "
16. Liza Moon
17. Kimberly Mann
18. Randy B BRADLEY
19. Michael Lilly
- 20.

SC COMMISSION ON DISABILITIES AND SPECIAL NEEDS
Commission Meeting
January 21, 2010

Guest Registration Sheet

(PLEASE PRINT)

Name and Organization

1. Ruth Thomas Darlington County DSN Board
2. Clopia Kester NIGHTINGALE'S NURSING & Attendants
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

SC COMMISSION ON DISABILITIES AND
Commission Meeting
October 15, 2009

Guest Registration Sheet

(PLEASE PRINT)

Name and Organization

1. Alice Shook, Berkeley Citizens Inc
2. Nilus MATTIVE
3. Elizabeth Krauss
4. Rick Magner
5. John Hitchman
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

SC COMMISSION ON DISABILITIES AND :
Commission Meeting
January 21, 2010

Guest Registration Sheet

(PLEASE PRINT) Name and Organization

1. Ruth Thomas Darlington County DSN Board
2. CLOPIA LASLER NIGHTINGALE'S NURSING & ATTENDANTS
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

SC COMMISSION ON DISABILITIES AND
Commission Meeting
January 21, 2010

Guest Registration Sheet

(PLEASE PRINT) Name and Organization

1. PAT FAGAN- SCDD DISTRICT I OFFICE
2. Elaine mThena PCBDSN
3. Paul Owens NCDSSNB
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

**SC COMMISSION ON DISABILITIES AND
Commission Meeting
January 21, 2010**

Guest Registration Sheet

(PLEASE PRINT) Name and Organization

1. Mary Fole YCBDSN
2. Jacqueline Davis YCBDSN
3. Janice Fowler YCBDSN
4. Michelle Shaffer YCBDSN
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

A G E N D A

**South Carolina Department of Disabilities and Special Needs
3440 Harden Street Extension
Conference Room 251
Columbia, South Carolina**

January 21, 2010

10:30 AM

1. Notice of Meeting Statement *Commissioner Speight*
2. Invocation *Commissioner Harrell*
3. Introduction of Guests
4. Public Input
5. Report from DSN Boards *Mr. Ralph Courtney*
6. Adoption of Agenda
7. Approval of the Minutes of the December 17, 2009 Meeting
8. Old Business:
 - A. Clarification of November 19, 2009 Minutes
 - B. Recording of Minutes
 - C. Status of DDSN LAC Audit *Dr. Kathi Lacy*
 - D. Status of DDSN Federal Audit *Mr. Tom Waring*
 - E. Status of Kerr and Company Contract *Dr. Beverly Buscemi*
 - F. Implementation Plan for EI Reductions *Dr. Beverly Buscemi*
 1. Policy Change
 2. Features and Timetable
9. New Business:
 - A. Status of appeals process with waiver changes having gone into effect January 1, 2010 *Dr. Kathi Lacy*
 1. Appeal Process *Dr. Kathi Lacy*
 - B. New Community Liaison Position *Dr. Beverly Buscemi*
10. State Director's Report
11. Executive Session
12. Next Regular Meeting Date (February 18, 2010)/Location

PLEASE SILENCE CELL PHONES DURING THE MEETING. THANK YOU.

measures are used to determine if criteria for mental retardation are met. Therefore, DDSN maintains a list of all approved psychometric tests that must be used for eligibility purposes.

III. Criteria for Related Disability

A. Definition and Diagnostic Criteria

Section 44-20-30 of the South Carolina State Code of Laws and 42 CFR 435.1009 defines eligibility for DDSN services under “**Related Disability**” as follows:

A “severe”, chronic condition found to be closely related to mental retardation or to require treatment similar to that required for persons With mental retardation and must meet all **four** of the following conditions:

1. It is attributable to cerebral palsy, epilepsy, or any other condition other than mental illness found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation and requires treatment or services similar to those required for these persons;
2. the related disability is likely to continue indefinitely;
3. it results in substantial functional limitations in three or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living; AND
4. The onset is before age 22 years.

DDSN relies on qualified providers to administer psychological testing to applicants. The tests are then analyzed by the DDSN Consumer Assessment Team to determine if they are reliable and valid, and to determine whether they are consistent and congruent with other psychological tests, school records including

academic achievement scores, placement in special education & IEP data, medical reports, family history, and other pertinent information. In order to ensure the reliability and validity of the decisions made, DDSN uses standardized measures to determine if criteria for a Related Disability are met. Specifically, a standardized test of functional abilities that yield a composite score of 24-standard deviations or more (i.e., Composite ≤ 7040) must be met to qualify for eligibility under the Related Disability category. DDSN maintains a list of all approved

psychometric tests that will be used to determine if criteria for a diagnosis of related condition are met.

IV. Criteria for High Risk Infant

A. Definition

Section 44-20-30 of the South Carolina State Code of Laws defines “high risk infant” as a child less than thirty-six months of age whose genetic, medical or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.

B. Diagnostic Criteria

Children younger than 36 months of age are served under this category when they exhibit significant documented delays in three or more areas of development or have an approved diagnosis confirmed by a medical professional and exhibit significant documented delays in 2 areas of development.

This category of eligibility allows DDSN to provide services to infants and young children under 36 months in instances where the future diagnosis is not absolutely clear due to situations (genetic, environmental or medical) present at birth or manifesting themselves thereafter, including accident and injury. In such instances, eligibility may be established in time limited fashion until a more comprehensive and conclusive assessment can be made regarding the presence or absence of a qualifying disability (not to exceed 36 months of age). Infants and young children under 36 months ~~are~~would be eligible to receive all DDSN services for which they qualify based on need and resource availability. ~~At the conclusion of the specified time period, the determination may be one of eligibility, non-eligibility or an extension of time limited services if the diagnosis remains unclear up to age six years.~~

V. Criteria for Autism

A. Definition

DDSN uses the American Psychiatric Association’s Diagnostic and

Statistical Manual of Mental Disorders-Fourth Edition (DSM-IV-TR, 2000) definition of “Autistic Disorder” (i.e. Autism) which states Autistic Disorder is “an abnormal or impaired development in social interaction and communication and a markedly restricted repertoire of activity and interest. The disturbance must be manifest prior to the age of three years.”